

Filing and Managing a Complaint

Filing a complaint

Any member of CNBO, including but not limited to parents, athletes, coaches and assistant coaches, members of the CNBO Board of Directors and any other person involved in CNBO activities, may file a complaint.

Any victim or witness of inappropriate behaviour may file a complaint with a trusted CNBO representative, either a member of the coaching staff or the Board of Directors. The complaint can be made verbally, in writing or by email. The emails of the coaches and board members can be found on the CNBO website:

- <https://www.teamunify.com/team/cancnbo/page/club/conseilcounsel>
- <https://www.teamunify.com/team/cancnbo/page/club/custom-page1>

All complaints will be forwarded to the Conduct Committee by the CNBO representative who received the complaint.

The Conduct Committee

The Conduct Committee is responsible for ensuring that the complaint policy is followed and that the complainant or witness has recourse to a discreet and impartial resolution process. The Conduct Committee normally consists of three representatives of CNBO including the Head Coach, a member of the Executive Committee of the Board of Directors and one other representative appointed by CNBO. If a member of the Conduct Committee is found to be in fact or appearance to have a conflict of interest with any of the parties involved, that member shall withdraw from the Conduct Committee and an alternate member without conflict of interest shall be appointed. The Conduct Committee shall be composed of a variety of men and women, not just members of the same gender.

Types of Complaints

Informal complaint

An informal complaint may be communicated to address a situation or dispute of lesser severity and/or complexity and is often resolved through a conversation rather than through a formal process conducted by the Conduct Committee.

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An informal complaint may be shared with a trusted CNBO representative, either a member of the coaching staff or the Board of Directors, before proceeding to a formal process.

The CNBO representative who has received an informal complaint should first inform the Conduct Committee to assess the seriousness and complexity of the complaint, as well as the willingness of the parties, in order to determine whether the dispute can be resolved informally or with the assistance of a mediator. The Conduct Committee shall be representative in appointing an appropriate mediator as the case may be, and if the parties involved are all in agreement.

Any CNBO representative who receives an informal complaint of serious inappropriate behaviour must communicate the complaint to the Conduct Committee immediately. A representative of the Conduct Committee will contact the complainant to forward the complaint. The Conduct Committee reserves the right to address an informal complaint of serious inappropriate behaviour in the same manner as a formal complaint.

Examples of serious inappropriate behaviour include:

- Harassment;
- Bullying;
- Intimidation;
- Discrimination;
- Sexual harassment;
- Verbal, mental, sexual abuse;
- Retaliation;
- Revenge;
- Criminal offences;
- Abuse of power;
- Use of force;
- Vandalism

Formal complaint

A formal complaint may be filed to address situations or disputes of significant severity and/or complexity and requires a formal evaluation, investigation and documentation process.

All formal complaints must be documented via the attached formal complaint form (Appendix A) and filed with a trusted CNBO representative, either a member of the coaching staff or the Board of Directors.

Formal complaints must be in writing, signed, and must be filed within thirty (30) days of the alleged incident.

A complainant who wishes to file a complaint after more than thirty (30) days have elapsed must submit his/her written statement through the complaint form describing the reasons for seeking an exemption. The decision to accept or reject the complaint beyond the thirty (30) day period is at the sole discretion of the Conduct Committee.

Formal Complaint Handling

The Conduct Committee will act as case manager and oversee the management and administration of a formal complaint filed in accordance with these procedures. If the Conduct Committee or any of its members is unable to act as case manager due to a lack of neutrality or other conflict, the Conduct Committee reserves the right to appoint a substitute or independent case manager.

The Conduct Committee further has the discretion to appoint an independent case manager if the complaint is of a severity and/or complexity that it believes would be more appropriately handled by a person with the requisite experience and skills.

From a general perspective, the case manager is responsible for ensuring that procedural fairness is maintained at all times and for applying this procedure in a timely manner. Specifically, the case manager has the following responsibilities:

- a) maintain the confidentiality of the complaint, the process, the parties and the witnesses (see "Confidentiality" section below);
- b) identify the parties involved in the complaint, including the complainant, if applicable;
- c) determine whether the nature of the complaint is frivolous, vexatious, misleading or made in bad faith and whether it falls within the jurisdiction of these procedures. If the Case Manager determines that the complaint is frivolous, vexatious, misleading or made in bad faith, the complaint will be immediately dismissed. In this case, the Conduct Committee reserves the right to impose additional sanctions on the complainant;
- d) confirm receipt of the complaint, in writing, with the complainant no later than two (2) business days after the complaint is filed;
- e) communicate acceptance or rejection of the complaint, in writing, to the complainant no later than five (5) business days following confirmation of receipt of the complaint;
- f) investigate the complaint, interviewing the parties and witnesses named in the complaint, if necessary;
- g) coordinate all administrative aspects of the complaint;
- h) provide administrative and logistical support to the Conduct Committee, as required;
- i) provide any other services or support required to ensure that the proceedings are conducted in a fair and timely manner.

Expertise

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All representatives of CNBO shall assess any informal or formal complaints of lesser severity in order to explore the resolution of disputes immediately and, if possible, directly with the members involved as soon as possible.

These procedures do not preclude a person with appropriate authority from taking immediate, informal or corrective action to address behaviour that constitutes a violation. Additional sanctions may be imposed as provided in these procedures.

These procedures do not supersede any dispute resolution process included in a contract, employee agreement or other formal written agreement.

Any violations or complaints arising during a competition will be handled in accordance with the procedures specific to that competition, if applicable. The Conduct Committee reserves the right to impose additional sanctions.

Infractions

An infraction is defined as an incident or series of incidents indicating a failure to meet expected standards of conduct that may result in harm to another person, individuals, CNBO or the public. Without precluding other possibilities, violations may include, but are not limited to, the following:

- a) disrespectful, offensive, abusive, racist or sexist comments or behaviours;
- b) disrespectful conduct;
- c) failure to comply with or disregard of CNBO policies, procedures, rules or regulations;
- d) Violation of the *Code of Conduct*;
- e) Forgery;
- f) any form of serious behaviour as listed in this document;
- g) physical, verbal, mental, emotional or other abuse;
- h) behaviour constituting harassment, sexual harassment or sexual misconduct;
- i) jokes, pranks or other actions that jeopardize the health and safety of others;
- j) conduct that deliberately interferes with the competition or preparation of any athlete for competition;
- k) conduct that deliberately damages the image, credibility or reputation of CNBO;
- l) Consumption of alcohol, provision of alcohol to minors or use or possession of illegal substances or drugs;
- m) possession or use of prohibited performance enhancing substances or methods or tolerance of such use by others.

Suspension pending hearing

The case manager may determine that the alleged incident is of such severity that it warrants immediate suspension of an individual pending processing of the complaint, hearing and/or decision.

Hearing procedure

The case manager will notify the parties that the complaint is legitimate and that the matter will be heard at a hearing. The case manager (in consultation with the Conduct Committee, in the case of an independent case manager) will then establish the procedure, format and timelines under which the complaint will be investigated and heard. This decision is at the sole discretion of the case manager and cannot be appealed.

If the respondent admits to the facts of the incident, the hearing may be waived, in which case the committee will determine the appropriate disciplinary action. The committee may nevertheless hold a hearing to determine the appropriate sanction.

If the respondent chooses not to participate in the hearing, the hearing will still take place.

Depending on the decision of the case manager, the hearing may be: an in-person oral hearing; an oral hearing by telephone; a hearing by video conference; a hearing based on a review of documentary evidence submitted prior to the hearing; or a combination of these methods.

The hearing shall be governed by such procedures as the case manager deems appropriate under the circumstances, provided that:

- a) the parties are adequately notified of the day, time, and place of the hearing;
- b) copies of any written materials that the parties wish the Committee to consider are provided to all parties prior to the hearing;
- c) the parties may be accompanied by a representative, advisor or legal counsel at their own expense;
- d) the Committee may require any other individual, including the respondent, to attend and testify at the hearing;
- e) the Committee may admit into evidence any oral testimony, document or other thing relevant to the subject matter of the complaint, shall have the opportunity to exclude unnecessarily repetitious evidence and shall be able to assign such weight to the various pieces of evidence as it considers appropriate;
- f) the decision is made by majority vote if the panel consists of three persons.

In carrying out its duties, the case manager may obtain impartial advice.

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Decision

After hearing the case, the case manager will determine whether a violation has occurred and, if so, will determine the sanctions to be imposed. Within fourteen (14) days of the conclusion of the hearing, the case manager's written decision and the reasons for said decision will be communicated to all parties and to the Conduct Committee in the case of an independent case manager. In exceptional circumstances, an oral or summary decision may be delivered shortly after the conclusion of the hearing; however, the full written decision will be provided prior to the expiry of the 14-day time limit.

Sanctions

The case manager may impose one or more of the appropriate disciplinary sanctions such as the following examples, noted in no particular order:

- a) verbal or written reprimand from CNBO;
- b) verbal or written apology;
- c) additional education, training or counseling;
- d) service or other voluntary contribution to CNBO;
- e) withdrawal of certain privileges for a specified period of time;
- f) suspension from specific events, competitions or activities;
- g) suspension or expulsion from CNBO;
- h) dismissal;
- i) fines;
- j) payment of the cost of repairs in the event of property damage;
- k) any other penalty deemed appropriate in light of the infraction.

Unless otherwise determined by the Case Manager, any disciplinary sanction will be effective immediately. Failure to comply with the sanction established by the case manager will result in an automatic suspension which will not end until compliance has been certified.

Violations resulting in disciplinary action will be documented in records to be maintained by CNBO.

Criminal Offences

A violation of the Criminal Code will be considered a serious offense and may result in immediate expulsion from CNBO. The Conduct Committee reserves the right to refer the matter to the authorities. Including but not limited to:

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- a) any offense related to child pornography;
- b) any sexual offence;
- c) any offence involving physical or psychological abuse;
- d) any offence involving assault;
- e) any offence relating to illegal drug trafficking.

Confidentiality

Complaints and the disciplinary process are confidential and are of interest only to the parties, the case manager, the Conduct Committee and any independent advisor working on behalf of CNBO. From the initiation of the process until the release of the decision, neither party may disclose confidential information regarding the disciplinary process or complaint to anyone not involved in the proceedings.

Timelines

If following the timelines set out in these procedures prevents the timely resolution of the complaint, the Case Manager may order that the timelines be modified.

Records and dissemination of decisions

Violations resulting in disciplinary action will be documented in records to be maintained by CNBO.

National and provincial sport associations with which the individual is affiliated may be made aware of any decisions rendered under these procedures.

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APPENDIX A

Formal Complaint Form

Note: Please attach additional documents if space is insufficient or to provide additional information to the complaint.

1. Identification of the Complainant

Name : _____

Phone : (_____) _____ Email : _____

My relationship to CNBO: _____

I am (check): Victim Witness Other : _____

I wish to file a formal complaint under the mechanisms provided in the applicable procedure to report (check):

- | | |
|---|--|
| <input type="radio"/> Discrimination; | <input type="radio"/> Retaliation/revenge; |
| <input type="radio"/> Intimidation, Bullying; | <input type="radio"/> Criminal offences; |
| <input type="radio"/> Harassment; | <input type="radio"/> Abuse of power; |
| <input type="radio"/> Sexual harassment; | <input type="radio"/> Use of force; |
| <input type="radio"/> Verbal, mental, sexual abuse; | <input type="radio"/> Vandalism; |
| <input type="radio"/> Other: _____ | |

2. Identification of the respondent(s)

Name: _____

Respondent's relationship to CNBO: _____

3. Description of the complaint

When did the situation begin: _____ Date of last incident: _____

Summary of events, name witnesses: _____

Consequences for the complainant: _____

Did you notify the respondent: Yes No *Date of notification :* _____

Did you take any other action to resolve the situation:
 Yes *Date:* _____
 No If yes, state actions taken: _____

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Did you ask a member of the coaching staff or board to intervene:

- Yes *Date of notification:* _____
 No *If yes, who was notified:* _____

To your knowledge, have others experienced a similar situation with the respondent: Yes No

Solution sought: _____

4. Declaration of the complainant

I understand that my complaint will be treated confidentially and I agree not to communicate any information about it to anyone during the process (except my representative).

I authorize the persons representing me in the handling of this complaint to inform the respondent of the content of the complaint.

I declare that the information provided in this form is true and describes in good faith and to the best of my knowledge the events that gave rise to this complaint. I certify that I have made this statement freely and voluntarily.

I understand that CNBO may sanction a complainant if it is shown that the complaint is frivolous, vexatious, misleading, or made in bad faith, including for the purpose of causing harm to others.

I agree to inform the Conduct Committee immediately if I wish to withdraw my complaint.

Signature of Complainant

Date

Signature of parent or guardian
(in the case of a minor complainant)

Date

5. For use by CNBO representative only

Name of the representative who received the filing of this complaint: _____

Date complaint received: _____

Signature: _____

Date complaint was submitted to the Conduct Committee: _____